

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

By this Amendment, claims 1-2, 4, 6-7, 9-10, 12, 16, and 18-21 are amended, claims 3, 11, 17, and 22-23 are cancelled without prejudice or disclaimer to the subject matter therein and claims 24-27 are newly added. Independent claim 1 has been amended to positively recite the features of allowable claim 3, independent claim 10 has been amended to positively recite the features of allowable claim 11 and claims 16, 18 and 19 have been amended to depend from allowed claim 20. New claims 24-27 depend from claim 1. No new matter has been added. After entry of this Amendment, claims 1-2, 4-10, 12-16, 18-21 and 24-27 will remain pending in the patent application.

Entry of this Amendment is proper under 37 C.F.R. §1.116 as the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not present any new issues that would require further consideration and/or search as the amendments merely amplify issues discussed throughout the prosecution; (c) do not present any additional claims without canceling a corresponding number of claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of this Amendment is thus respectfully requested.

Claims 1, 2, 10 and 16 were rejected under 35 U.S.C. §102(e) based on Fortman *et al.* (U.S. Pat. No. 5,987,100) ("Fortman"). The rejection is respectfully traversed.

Claim 1 has been amended to positively recite the features of allowable claim 3. Therefore, claim 1 is patentable over Fortman at least because this claim recites a method comprising, *inter alia*, determining at least one first condition to the message service centre; checking from the message to be delivered to the terminal whether it meets the first condition; delivering the message directly to the terminal, if it meets the first condition; and informing the terminal about the message, if it does not meet the first condition, and delivering the message as a response to a message request concerning the message. As conceded by the Official Action, Fortman does not teach or suggest a method including these features. Therefore, Fortman does not teach or suggest each and every feature recited by claim 1 and, as a result, cannot anticipate claim 1.

Claim 2 is patentable over Fortman by virtue of its dependency from claim 1 and for the additional features recited therein.

Claim 10 has been amended to positively recite the features of allowable claim 11. Therefore, claim 10 is patentable over Fortman at least because this claim recites a wireless telecommunication system wherein, *inter alia*, the message service centre is arranged to check before delivering the message to the terminal, whether the message meets at least one predetermined first condition, and in response to the result of the check, to deliver the message directly to the terminal or to inform the terminal about the message and to deliver the message in response to a message request concerning the message; and the terminal is arranged to receive said indication about the message, to inform the terminal user about the indication, and to send the message request concerning the message to the message service centre as a response to the instructions received from the user. As conceded by the Official Action, Fortman does not teach or suggest a method including these features. Therefore, Fortman does not teach or suggest each and every feature recited by claim 10 and, as a result, cannot anticipate claim 10.

Claim 16 has been amended to depend from allowed claim 20. Therefore, it is respectfully submitted that claim 16 is in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, 10 and 16 under 35 U.S.C. §102(e) based on Fortman are respectfully requested.

Claims 8 and 19 were rejected under 35 U.S.C. §103(a) based on Fortman in view of Farris *et al.* (U.S. Pat. No. 6,574,216) ("Farris"). The rejection is respectfully traversed.

Claim 8 depends from claim 1 and is patentable over Fortman for at least the same reasons provided above related to claim 1 and for the additional features recited therein. Namely, claim 8 is patentable over Fortman at least because this claim recites the features of allowable claim 3.

Farris fails to remedy the deficiency of Fortman because Farris fails to teach or suggest the features of allowable claim 3. Therefore, any reasonable combination of Fortman and Farris does not result, in any way, in the invention of claim 8.

Claim 19 depends from allowed claim 20. Therefore, claim 19 is in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection of claims 8 and 19 under 35 U.S.C. §103(a) based on Fortman in view of Farris are respectfully requested.

Claims 9, 14 and 18 were rejected under 35 U.S.C. §103(a) based on Fortman in view of Ardalan *et al.* (U.S. Pat. No. 6,396,839) ("Ardalan"). The rejection is respectfully traversed.

Claim 9 depends from claim 1 and is patentable over Fortman for at least the same reasons provided above related to claim 1 and for the additional features recited therein. Namely, claim 9 is patentable over Fortman at least because this claim recites the features of allowable claim 3.

Ardalan fails to remedy the deficiency of Fortman because Ardalan fails to teach or suggest the features of allowable claim 3. Therefore, any reasonable combination of Fortman and Ardalan does not result, in any way, in the invention of claim 8.

Claim 14 depends from claim 10 and is patentable over Fortman for at least the same reasons provided above related to claim 10 and for the additional features recited therein. Namely, claim 14 is patentable over Fortman at least because this claim recites the features of allowable claim 11.

Ardalan fails to remedy the deficiency of Fortman because Ardalan fails to teach or suggest the features of claim 11. Therefore, any reasonable combination of Fortman and Ardalan does not result, in any way, in the invention of claim 14.

Claim 18 depends from allowed claim 20. Therefore, claim 18 is in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection of claims 9, 14 and 18 under 35 U.S.C. §103(a) based on Fortman in view of Ardalan are respectfully requested.

Claim 15 was rejected under 35 U.S.C. §103(a) based on Fortman in view of Ardalan and further in view of Van Renesse *et al.* (U.S. Pat. No. 6,208,651) ("Van Renesse"). The rejection is respectfully traversed.

Claim 15 is patentable over Fortman, Ardalan or a combination thereof for the same reasons related to claim 10 or 14. That is, claim 15 is patentable at least because this claim recites the features of allowable claim 11.

Van Renesse fails to remedy the deficiency of Fortman or Ardalan because Van Renesse fails to teach or suggest the features of claim 11. Therefore, any reasonable combination of Fortman, Ardalan, and Van Renesse does not result, in any way result, in the invention of claim 15.

Accordingly, reconsideration and withdrawal of the rejection of claim 15 under 35 U.S.C. §103(a) based on Fortman in view of Ardalan and further in view of Van Renesse are respectfully requested.

Claims 21 and 23 were rejected under 35 U.S.C. §103(a) based on Virtanen (U.S. Pat. No. 6,249,681) in view of Fortman. The rejection is respectfully traversed.

Claim 23 has been cancelled without prejudice or disclaimer, thus rendering moot the rejection of claim 23.

Claim 21 has been amended to positively recite the limitations of allowable claim 22. Therefore, claim 21 is patentable over Virtanen, Fortman or a combination thereof.

Accordingly, reconsideration and withdrawal of the rejection of claims 21 and 23 under 35 U.S.C. §103(a) based on Virtanen in view Fortman are respectfully requested.

Claims 3-7, 11-13, 17 and 22 were objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claims 3, 11, 17 and 22 have been cancelled without prejudice or disclaimer, thus rendering moot the rejection of these claims. Applicants note that the features of claims 3, 11 and 22 have been included in claims 1, 10 and 21 respectively. Claims 4-7 and 12-13 depend from allowable claims 1 and 10 respectively. Therefore, claims 4-7 and 12-13 are in condition for allowance.

New claims 24-27 depend from allowable claim 1. Accordingly, claims 24-27 are in condition for allowance.

All rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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